

Technology, Stress and the Lawyer's Quality of Life – The Original Article

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Lawyers and their office staff generally have a lot of job stress. Frankly most people currently have a lot more job stress than people would have had doing that job a generation ago. (Of course many people now do jobs that did not exist a generation ago.)

But the legal profession generates more job stress than most. After all, lawyers are involved in many situations that are controversial, important, complex and emotional. Many parts of our legal system are by definition adversarial.

This *Oklahoma Bar Journal* is a theme issue on law office management and technology. So I thought this would present an opportunity to examine some questions about technology and stress. Does the greater use of technology in our lives cause more stress? Why does it seem that the more technology we incorporate in our practices to make them work better, the more stressful our offices become and the more our quality of life suffers? Why, when our offices are filled with devices that accomplish tasks in one-tenth or one-hundredth the time required of previous generations of lawyers, do lawyers still seem to work more hours each year?

Perhaps we do not have so much stress if you take the long historical view. A caveman fleeing a pack of hungry predators experiences stress. Certainly more stress than a lawyer being late to a motion docket, even if the case was dismissed. So does all of this new technology add stress to our lives? Absolutely. Then would removing it reduce our stress? No, I believe it would have the opposite effect. One really cannot imagine running a law practice without computers and Internet access.

The genesis of this article was several months ago when there was quite a debate on OBA-NET that could be summarized as "Cell phones good or cell phones bad?" (This debate even spilled over into telephone conversations and private e-mails so not all of it may be found there now.) One veteran OBA-NETTER was quite outspoken in his opinion that no one should ever use a mobile phone while operating an automobile. Others believed it was more dependant on the situation and calling the judge's clerk to let them know you might be late was perfectly acceptable, especially when inching along in a traffic jam at 5 MPH. Some lawyers are quite proud of the fact that they do not own or use a mobile phone. Some hate the idea of mobile phones. Others, particularly those whose practice spans several county courthouses, believe it is their lifeline and a most prized and useful tool.

Mobile phones are just one example of the many technologies that lawyers have to deal with and that can be frustrating to us, as well as others. Can your mobile phone cause you stress? Yes. Can it be useful in relieving stress? Yes, again.

So, why and how does technology cause us stress? Well, here's my two cents:

JIM CALLOWAY'S RULES OF TECHNOLOGY AND STRESS

1. The use of technology speeds up the pace of everything.

This is the most important point. The purpose and use of almost all technology is that the machines can do things faster, and often better, than we can. Adoption of the telephone into law

offices must have been a major change for the lawyers of that time. Suddenly there was no need to wait for the postman or special couriers to deliver communications. You could pick up the telephone and call opposing counsel or client and be in contact immediately.

Then there were fax machines and national next day delivery services. Fax machine begat e-mail. Phone begat mobile phones, and pagers and wireless handheld e-mail devices. Voice mail allows us to have a phone conversation without the other person even being there. The Internet provides a direct connection to a large percent of the U.S. population. Today you can e-mail a hundred page document to someone in seconds.

In a more simple time, getting to work an hour early meant a hour of uninterrupted time to prepare for the day. Interaction with those outside the office was limited because their phones were not yet being answered. Now, through the technological magic of e-mail, faxes and mobile phones, you can get to work early and have a half a dozen negative interactions with others before the day even officially starts. We all can, and therefore do, run at a faster pace. We can generate more paper in a day than the lawyer of a couple of decades ago could produce in a week. We can handle more open files using computers to track them.

The role of the technology is to do it faster.

If you let the technology set your pace, it will be faster and faster.

To survive in a law practice for a career, you have to learn how to set your own pace.

2. Living in a technological society is stressful.

This is not just limited to lawyers.

Many commentators refer to the our country's information-based economy. Lawyers are not the only ones whose livelihood rests in large part on managing, processing and dispensing information.

Technology eases our lives in many ways, but it also is demanding and time consuming. It generally requires knowledge and understanding to realize its benefits.

When you depend on a device to do something for you, can you still do it when the device is inoperable? If there was a power failure, you could light a few candles and keep going in the manual typewriter era. When there's no power, today's law office is shut down. The same is true when a machine is broken or "the network is down." Automated phone systems may be a money saver for the company you call, but it takes your time and energy to navigate through the menus. In fact many of the benefits of e-commerce revolve around forcing the consumer to enter data that previously was entered by clerical staff on the company's payroll.

We live in a society that provides a constant flood of information. From hundreds of cable TV channels to the Internet to the mobile phone, there is more information pushed at you each day than you can possibly retain and manage. How could anyone manage it all? For most of us the term "information management" would be better described as "information triage."

There is little wonder that today many of us feel like we are trying to take a drink of water from an open, spewing fire hydrant as we look for an answer. There's just too much.

3. The use of technology always involves trade-offs.

Technology may give us great benefits (e.g. smallpox vaccine, seat belts and air conditioning.) But it also can take, and take and take some more.

There is certainly no free lunch where law office technology is concerned. You may implement technology that does a marvelous job for you. But it still has to be purchased and installed. It's mostly useless with investing in training. There must be maintenance.

You likely do not even have all of the features of your mobile phone committed to memory and are a rare person indeed if you have mastered most of the features of your word processing software.

One of the biggest stress producers of technology is knowing that you have a tool right at your fingertips that will do the task you need done right now, but not knowing how to make it do so. This is very frustrating. But investing hours and hours in training and learning how to use your technology can be just as frustrating, especially when there is "real work" that still needs to be done.

Right now each person reading this article probably has a mental list of technology skills that they wish they had acquired. Wouldn't it be nice to step into a mythical time bubble and to have a week or two just to learn a few more technology skills and improve office systems? You could organize your network folder structure in a way that makes more sense. You could learn some advanced word processing skills like mail merge and develop macros and other automation tools. You could learn the advanced features of your case management software, or better yet, take time to decide which case management system to purchase and install.

But there's no mythical time bubble. Whether it is an investment of time for training, an investment of money for purchasing and upgrades or the risk of a spectacular mistake that would not happen without the technology in the first place, we pay for the benefits of technology in many ways.

You can reduce your stress by just understanding and accepting that premise. Celebrate when technology allows you to land a new client from across the country who would have never heard of you in the pre-Internet days. Be happy when technology allows you to answer a worried client's night-time call without leaving your house. Then when you spend 45 minutes reading online help files, cryptic instruction manuals and third-party books to learn how to do a task in "only" a minute, try to accept that as well. Besides, hopefully next time it will only take you a minute to do the task.

4. Dealing with changes generates stress and technology will always be changing.

Technology expands, improves and changes.

Dealing with change is always stressful.

Lawyers are trained to rely on precedent-the past. Typically we only grudgingly accept change. From abolishing demurrers to adopting the federal style of pleadings to adopting child support guidelines, there are always changes in the law and always complaints from many about the changes.

Computers in the law office clearly make certain tasks, like billing, much easier. But it seems that as soon as you master one part of technology, there is an improvement or an upgrade that requires you change how you operate. This seemingly constant process of learning, then relearning and then learning anew all over again has lead many to rebel and refuse to change.

Lewis Carroll described the way many of us feel in *Alice's Adventures in Wonderland*: "You have to run as fast as you can to stay where you are."

5. Information technology distances the human element in communications.

Certainly you can get a laugh from an e-mail from a friend or be touched by a warm voice-mail from your spouse.

But we learned in the early days of e-mail that there was more to interpersonal communications than the words. Without the context of facial expressions, tone and other cues, there was a lot of misunderstanding. E-mailers soon adopted emoticons, like little smiley faces, to improve their communication.

As we communicate more and more by e-mail, we should be aware of this fact. If you sit in your office with the door closed and send out directions by e-mail all day, your staff will feel more job stress and will not function well as a team. Good teams are based on relationships and understanding. It is difficult to create or nurture a relationship via e-mail.

6. You can be connected all the time and you cannot be connected all the time.

With relatively inexpensive investments in technology you can be literally be available to your clients and to your work projects 24-7. This is not, of itself, a bad thing. Using a laptop or personal digital assistant to make use of otherwise unproductive time is a good thing. Being able to work remotely from home is a good thing, especially if you wake up very ill one morning but one project still has to be completed and approved.

But lawyers tend to be highly-motivated, highly-focused individuals. Fifty to sixty hour work weeks are not uncommon. The current technology literally allows you to work around the clock from wherever you may be. You can check the office e-mail from home at night after the family goes to bed. You can track down your staff or other attorneys at odd hours with their mobile phone numbers. You can access your office files remotely. You can, quite literally, work all the time.

You can, but you can't. Because we human beings are not machines. We cannot stay focused on work for too long without a break. When we try to do it, we began to function erratically. We lose our tempers. We lose our objectivity. We make mistakes. We manifest in many different ways the results of our stress.

In an earlier time, the work day truly ended. When you left the office you were finished with work until the next day (apart from what you may have taken home in your briefcase.) Technology changed all of that. You therefore have to consider your actions carefully. If you decide to check the office e-mail "for a couple of minutes" on a Saturday afternoon, might you see a troublesome e-mail from opposing counsel? Will you then think about that legal problem the rest of the afternoon when it would have been just fine if you hadn't learned about it until Monday morning?

So what can we do about this?

Well, I've already shared some of my opinions above as I outlined the problems. You need to set your own pace and recognize that the use of technology tools will pressure you to speed up your pace.

You need to adopt a triage approach to the flood of information that you receive every day. You cannot handle it all. You must practice prioritization, which may be the most important job and life skill of the Twenty-First Century.

This may mean you shouldn't subscribe to so many magazines. When you've been on vacation a week, this may mean marking the six hundred unread message on OBA-NET as read upon your return, recognizing that you do not have time to read them all. You need to give some thoughts to the trade-offs and negative consequence of your technology instead of just blindly accepting them.

Do not let technology tools to convince you to undertake more than you can handle. You can only safely handle so much work. It's easy to delay a project when something new and urgent comes in, knowing the power of technology to do some tasks so quickly. You can accept that you will probably never know everything you need to know about either the law or technology. Schedule regular education and training sessions and do not mentally beat yourself up because there is not enough time to learn more.

You can reduce your stress by reading Tery DeShong's excellent article on time management contained elsewhere in this Bar Journal and implementing some of her wise advice.

It is very important to not let the capability of what your technology can do lure you into agreeing to do more than you can or should do.

You need to give yourself permission and time for fun and recreation. Lying on the sofa watching an old movie you love is not being lazy, it is recharging your batteries.

Professionals will tell you that how you deal with stress is very significant. We all have situations that bring us stress and I stipulate that dealing with technology can be stressful.

Technology gives us a set of tools. These are new tools and powerful tools. But they are still tools-our tools. And we should control our tools.

I mentioned the debate on OBA-NET about cell phones, good or bad, because I don't believe that tools are good or bad. A simple tool like a hammer can be used to build shelter for the homeless or to commit murder.

But if forced to characterize, I'd say that my mobile phone is a good tool. It is a very important tool because when I am out of the office all day, I'm not out of contact. But I often turn it off. It does have a voice mailbox. If I am at a local county bar meeting, I would rather visit with the lawyers there than receive a call. I am persuaded that rare is the time when a delay of an hour or so in contacting me will make a big difference. Not all lawyers would agree. For some, the best feature of a mobile phone is for the office staff to contact them immediately if questions arise so that their work is not delayed. This is a valid point of view. But for me, the off button is an important and often under-used feature.

We have made decisions about how to use our technology tools. Using the tool when it helps and not when it detracts is the key.

Perhaps we can adopt a technology related version of the serenity prayer.

God grant me the serenity to accept the things I cannot change; the courage to change the things I can; and wisdom to know when to hit the off switch